

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2008 JUN 30 AM 3:56

NORMA BAKER, MARY KUNZ, AND
MARK NOBLE,

PLAINTIFFS,

V.

CAPITAL METROPOLITAN
TRANSPORTATION AUTHORITY,
DEFENDANT.

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CIVIL NO. A-08-CA-197-LY

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY  DEPUTY

ORDER GRANTING PRELIMINARY INJUNCTION

On June 25, 2008, the Court conducted a hearing on Plaintiffs' Motion for Preliminary Injunction (Doc. #4), Defendant's Motion to Dismiss (Doc. #10), and Plaintiffs' Motion to File Second Amended Complaint, Add Party Defendants, and Amend Caption (Doc. #17). At the hearing, Plaintiffs' moved in open court to withdraw the Motion to File Second Amended Complaint, Add Party Defendants, and Amend Caption, which the Court granted.

IT IS THEREFORE ORDERED that Plaintiffs' Motion to File Second Amended Complaint, Add Party Defendants, and Amend Caption filed June 5, 2008 (Doc. #17) is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED:

1. Plaintiffs shall file any additional briefing **on or before July 16, 2008**;
2. Defendant shall file any response briefing **on or before July 25, 2008**.

After consideration of the arguments of counsel, along with the briefs, stipulated evidence, and supporting documentation filed by the parties, the Court granted Plaintiffs' Motion for Preliminary Injunction in open court. Therefore

IT IS FURTHER ORDERED that Plaintiffs' Motion for Preliminary Injunction filed March 13, 2008 (Doc. #4) is **GRANTED AS FOLLOWS**:

Defendant Capital Metropolitan Transportation Authority, its Board of Directors, officers, employees, agents and all those acting in concert with Defendant or at its direction are restrained from failing to comply with the following;

1. Capital Metro will maintain subscription trips as currently scheduled,
2. Persons, approximately 18-20, who have not been scheduled to new service may continue to use subscription taxi service,
3. Persons receiving subscription taxi service may request taxi service for non-scheduled trips by contacting Capital Metro on the same basis as members of the paratransit community who do not have subscription service,
4. Capital Metro will provide eligible subscription paratransit riders with an open return taxi voucher for use after dialysis when requested,
5. Capital Metro will provide open return taxi vouchers to eligible subscription paratransit riders for trips from pharmacies located in entities that also sell groceries (*e.g.*, HEB, Wal-Mart),
6. Capital Metro will provide eligible subscription paratransit riders with open return taxi vouchers for trips from free-standing pharmacies (*e.g.*, CVS, Walgreen's) upon request,
7. All other requests for taxi vouchers for eligible subscription paratransit riders will be granted on the same basis as was done under the policy in effect on March 7, 2008, under which Capital Metro has the option to provide the return on an STS vehicle,

8. Taxi vouchers will be full-fare or shared-cost as provided by current policy, which has not changed, and

9. Service hours and areas will apply pursuant to current policy.

Defendant's Motion to Dismiss filed April 11, 2008 (Doc. #10) remains pending before the Court at this time.

IT IS FINALLY ORDERED that the \$100 bond or cash in lieu of same posted by Plaintiffs in connection with the Agreed Temporary Restraining Order rendered March 24, 2008 (Doc. #8) shall remain in effect for purposes of the preliminary injunction in this cause.

SIGNED this 30th day of June, 2008, at 5.26 o'clock p.m., to be effective the 25th day of June, 2008, at 5:10 p.m.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE